

C 9M

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 16 AM 9:27

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jaime DE LA CRUZ-Muro,

Defendant

Magistrate Docket No.

'07 MJ 2676

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **November 14, 2007** within the Southern District of California, defendant, **Jaime DE LA CRUZ-Muro**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

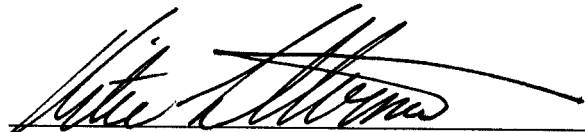


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16<sup>th</sup> DAY OF NOVEMBER, 2007



Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CEM

**CONTINUATION OF COMPLAINT:****Jaime DE LA CRUZ-Muro****PROBABLE CAUSE STATEMENT**

On November 14, 2007, Border Patrol Agent J. Rivera was performing linewatch duties in the Imperial Beach Border Patrol Station area of operations, in an area known as Airport Mesa. This area is approximately 2 1/2 miles east of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico International Border Fence. At approximately 4:30 p.m., Agent Rivera responded to a request for assistance from Border Patrol Agent I. Aguirre who was in foot pursuit of a group of eight suspected illegal aliens. National Guard personnel, operating the Remote Video Surveillance System (RVSS), had observed three suspected illegal aliens climb over the international border fence south of Airport Mesa and run north. Agent Aguirre had responded to the area and located seven individuals, who were attempting to conceal themselves in some thick brush on the hillside on the north face of the mesa. Agent Aguirre conducted an immigration inspection on the subjects, who each freely admitted to being citizens and nationals of Mexico, present without proper immigration documents to be, or remain in the United States legally.

Agent Rivera continued searching the area for the remaining subject, and located him hiding in heavy brush just off the north edge of the mesa, approximately fifty yards south of the other seven individuals. Agent Rivera identified himself as a Border Patrol Agent and questioned the subject, later identified as the defendant **Jaime DE LA CRUZ-Muro**, as to his citizenship. The defendant freely admitted to being a citizen and national of Mexico, not in possession of any immigration documents that allowed him to legally enter or remain in the United States. All eight subjects were placed under arrest and transported to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 27, 2007** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.